



## Case Note

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### LEGAL AND PSYCHOLOGICAL ASPECTS OF FORENSIC EXPERTS' ACTIVITY IN MARTIAL LAW

*Sirokha Liliia and Manko Eugenia*

#### Abstract

*Relevance.* The topic of legal and psychological aspects of forensic experts' activity in martial law is highly relevant today. Forensic experts play a critical role in such situations, providing vital evidence and analysis to support legal and military decision-making. The purpose of the article is to investigate the legal and psychological aspects of the activity of forensic experts during martial law and to analyze the normative legal acts that regulate the chosen topic, examining the challenges and opportunities presented by this unique context. It also explores the impact of martial law on the mental health and well-being of forensic experts.

*Methodology.* The research methodology is to apply general scientific methods of research: analysis, synthesis, generalization, and comparative analysis.

*Results.* This paper highlights the critical importance of forensic experts in martial law environments, and the need for careful consideration of the legal and psychological aspects of their work. The situation of martial law had a great impact on Ukraine and its citizens. The changes have affected not only the issue of safety but also all spheres of life in the country. However, the unique challenges of operating in a martial law environment can place significant psychological and ethical burdens on forensic experts, who must navigate complex legal frameworks and work under intense pressure. By understanding the challenges and opportunities presented by this context, we can better support forensic experts in their vital role, and ensure that their work is conducted in a way that is both effective and ethical. Overall, this paper highlights the critical importance of forensic experts in martial law environments, and the need for careful consideration of the legal and psychological aspects of their work.

**Key words:** *forensic expert, martial law, legislation, psycho-emotional state, stress.*

#### Relevance

Military conflicts at the international level, unfortunately, are still actual topics. And their consideration and understanding of the causes of occurrence is an extremely important aspect in creating a humane society with moral and democratic values. However, despite such importance and relevance, there was relatively little research on the issues of psychological peculiarities of the work of forensic experts, and none



considered their behavior and professional activity during military conflicts or war, and the impact of war on their professional and mental well-being.

On February 24, 2022, a full-scale invasion of Russia's aggressor began in Ukraine. The life of the country and the population has changed greatly. And since no one expected that a full-scale war would begin in Ukraine, at that time there were no clear algorithms for workers of different fields, including forensic experts. Professionals in different regions were not in the same conditions: it depended on the state of affairs at the front, on the shelling of cities and villages, and on the humanitarian situation in a particular settlement. Some of the forensic experts were forced to evacuate from the place of permanent residences, and so from the place of work (evacuation was made even whole units). Others had to work close to the border with the aggressor state and demarcation lines in constant shelling. At the same time, the weight of the work of forensic experts only increased in the conditions of martial law. The number of requests for separate expert research has increased greatly, so the workload on forensic experts has increased either. Due to the active fighting and the consequences of war and occupation, the most in-demand became such types of research as molecular-genetic studies of DNA profiles (which are performed almost 24 hours a day)-aimed at identifying the dead people, valuation and construction, and technical research, research of destroyed property-which help to evaluate the material and technical damage caused by the war, explosive and technical studies of explosives, devices and blast circumstances. It has a direct impact and psychological state, anxiety, and stress among specialists. Forensic experts were forced not only to learn to live in new realities, but to continue to work actively in such difficult conditions. In addition, their forensic activity has acquired new legal and psychological aspects, which would take into account all new circumstances and difficulties.

### **Methodology**

The research methodology is to apply general scientific methods of research: analysis, synthesis, generalization, and comparative analysis.

### **Results**

It is necessary to mention that neither the Law of Ukraine "On Forensic Expertise" (1994) nor the draft Law of Ukraine "On Forensic Expert Activity" (2021) do not regulate the peculiarities of forensic expert activity in the conditions of martial law. When martial law was implemented, a law governing labor relations - "On the organization of labor relations in the conditions of martial law" was adopted (Draft Law on Forensic Expert Activity, 2021). This Law also applies to labor relations between the employer and employees of state specialized institutions, that carry out the forensic activity, but do not take into account their specificity of work.

Conditions of martial law in which all Ukrainians have been living have a significant impact on all legal relations and institutions in countries. Therefore, unfortunately, the legislative system was not prepared for such a case and was forced to respond to changes,

and not always effective.

But it is also important to point out the psychological aspect and peculiarities of the activities of experts who have been directly influenced by hostilities.

An expert is an individual that has high professional competence, including special professional knowledge, experience, and intuition, and who should be guided in his professional activity by certain ethical standards.

The qualification characteristic of a forensic expert assumes that, based on special knowledge in the field of science, technology, art, crafts, etc., objects, phenomena, and processes, he/she should provide the answer to the questions that are valuable for trial (Yarosh, O.V., 2008).

Even before the start of hostilities, the work of forensic experts can be attributed as such where there is a high probability of burnout, since constant stress, pressure both by the judiciary and by investigators, overload, and constant changes in legislation – all these have led to a deterioration of the psychological state of specialists. And as O. Yarosh has stated, the professional activity of a forensic expert as a complex type of professional activity unfolds at the intersection of systems "human-society", "human -social group", "human -human", which creates additional requirements and pressure on specialists of such a plan. (Yarosh, O.V., 2008). Before the war actions in Ukraine, there were processes of law enforcement reform, that caused stress and tension in the professional activity of lawyers, and forensic experts as well.

The professional activity of forensic experts, which often occurs in difficult, and sometimes extreme conditions, could be characterized by extraordinary emotional tension, responsibility, and complexity of tasks, and strict terms of their completion. Therefore, working conditions put forward increased requirements for the mental qualities of a specialist, in particular his stress resistance, and the ability to constructively solve complex situations in professional activity (Yablonska, T., Sirokha, L., 2020).

Military actions in the territory of Ukraine significantly complicate the fulfillment of the full-time duties of the expert, determined by the legislation of Ukraine - such as providing working conditions for a forensic expert at the location of the objects of research, and maximum preservation of research objects. And since many institutions have been destroyed, it significantly complicates the expert's work, which also has a negative impact on the psycho-emotional state of specialists. (Yarosh, O.V., 2008).

War can have a long-term effect on individual mental health due to war injury. Mental health is an important dimension of human capital that has a significant impact on many aspects of human life, for example, well-being, employment, earnings, wealth, etc.

However, although the "tangible" costs of wars due to their impact on physical health, education, and economic wealth are regularly estimated, assessments of psychological costs for war, including mental health, are much more difficult.

The effects of war include short- and long-term physical harm, as well as a decrease in material and human capital, which has now faced many spheres since some of the experts left abroad, some went to defend their country, others moved to safer regions of Ukraine, and some, unfortunately, died or were injured. Therefore, it is very important for



management to understand the importance of social and psychological support for their specialists. An important aspect of the activity of forensic experts is not only to improve the existing legislative regulation and maintain their activities during hostilities but also to preserve the mental health of specialists due to the fact that their professional decisions will depend on the success of the tasks and the quality of the forensic examinations.

The policy of reconstruction, investment, and economic recovery may be insufficient to completely eliminate the mental consequences of the war, while special purposeful health care programs may be required for the victims to overcome the psychological suffering caused by war.

Therefore, the question of overcoming these consequences on the mental health of professionals through the development of productive professional programs for mental health support is an important task.

### Conclusions

In order to summarize, we can say that the legislation of Ukraine before the introduction of martial law did not take into account the peculiarities of the activity of forensic experts. Some of the mentioned normative legal acts were adopted during martial law, others require changes to them and adaptation, which creates a wide field for the work of lawmakers and scientists. And the psychological aspects of an expert's activity are generally a new and broad topic for further study.

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